



City of Lawrence

POLICE

GREGORY C. BURNS, JR.
CHIEF OF POLICE

lawrenceks.org/police

Law Enforcement Center
111 E. 11th Street
Lawrence, KS 66044
(785) 832-7501

Investigations & Training Center
4820 Bob Billings Pkwy.
Lawrence, KS 66049
(785) 830-7400

CITY COMMISSION

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CITY MANAGER
THOMAS M. MARKUS

April 3, 2019

MuckRock News
DEPT MR 70625
411A Highland Ave.
Somerville, MA 02144-2516

RE: L17040914

To Whom It May Concern:

Please accept this letter as an official response to your request for "Any and all of the following information in relation to L17040914."

Your request is approved, in part, and denied, in part.

The open public record page of the Kansas Standard Offense Report (KSOR) L17040914 is available to you at no charge. This portion of your request is approved.

In order to receive this document, you will need to provide a self-addressed and stamped envelope. Once this envelope is received, the open record page of the KSOR will be forwarded to you in that envelope. In addition, item K is approved under the same parameters; please see the note below.

Your request for:

1. A copy of offense report #L17040914. As noted above the open record page of the KSOR is approved, and will be provided upon receipt of the required mailing supplies. The Criminal Investigation Record of the report is denied under K.S.A. 45-221(a) (10) and (30).
2. Any and all of the following information in relation to L17040914:
 - a. Video/audio data is hereby denied under K.S.A. 45-219(a) and K.S.A. 45-221 (a) (10) and (30).
 - b. Dispatch records is hereby denied; there are no 911 audio records for this 2017 case. Any written CAD records are denied under K.S.A. 45-221 (a) (10) and (30).
 - c. Informant identities are hereby denied under K.S.A. 45-221(a) (10) and (30).



- d. Witness Statements; hereby denied under K.S.A. 45-221(a) (10) and (30); and all applicable rules of evidence.
- e. Evidence logs; hereby denied under K.S.A. 45-221(a) (10) and all applicable evidence laws, policies, and rules.
- f. Law Enforcement correspondence; hereby denied under K.S.A. 45-221(a) (10).
- g. Investigation reports; please see the denial in item 1.
- h. A copy of the original submission documents for all forensic testing is denied under K.S.A. 45-221(a) (10).
- i. A copy of any and all warrant requests made to the court is denied under K.S.A. 45-221(a) (10). In addition, the Lawrence Police Department (LPD) is not the official Custodian of Record for Affidavits; these requests must be referred to the Clerk of the District Court.
- j. A copy of any and all search warrants granted for electronic devices is denied under K.S.A. 45-221(a) (10). In addition, the LPD is not the official Custodian of Record for these documents; these requests must be referred to the Clerk of the District Court.
- k. The Lawrence Kansas Police Department policy and/or officer training materials identifying the department procedure for obtaining, cataloguing, and securing physical evidence. This request is approved and may be received once a self-addressed and stamped envelope that is large enough to mail the document with sufficient postage is sent to the LPD Records Department. An 8 ½ by 11" self-addressed and stamped envelope will be required for return mailing.

3. All video/audio recordings, radio communications, dispatch records, and GPS data occurring between the hours of 7:00pm on May 21st, 2017 and 2:00am on May 22nd, 2017, for the following members of Law Enforcement..." This request is denied:

- a. The Kansas Open Records Act does not require agencies to create records or reports that do not already exist. According to the Kansas Attorney General:

"The KORA applies to public records possessed by a public agency at the time the request is made. It does not require that a public agency do research for you, create a record it does not already possess, or write out their response to your questions."

See: <https://ag.ks.gov/open-government/kora-faq>

There is no current report created with this information specific to answer this portion of the request.

- b. In addition, this request would include information that is relevant to security procedures and criminal investigations that are denied under K.S.A. 45-221(a) (10).

In addition to the basis for denials listed above, K.S.A. 45-220 (b) provides “a public agency may require proof of identity of any person requesting access to a public record,” and (c) If access to public records of any agency or the purpose for which the records may be used is limited pursuant to K.S.A. 45-221 or K.S.A. 2018 Supp. 45-230, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

(1) The requestor has a right of access to the records and the basis of that right;”

The Lawrence Police Department hereby requires proof of identity of the requestor of these records and the basis for the right of access to the criminal investigation records and personnel records, listed above, that are denied under exceptions provided under K.S.A. 45-221(a) (10) and (30).

Sincerely,

Kim L. Murphree
LPD Records/TAC/Media

Gregory C. Burns, Jr.
Chief of Police